

PLANNING COMMISSION

Planning Commission
County of Hawai'i
Hilo, Hawai'i

Application for)
SPECIAL MANAGEMENT AREA USE PERMIT)
by)
BURGESS, INC.)
for)
ADDITIONS TO EXISTING) SMA USE PERMIT NO. 23
BANYAN SHOPPING MALL COMPLEX)
in)
KAILUA VILLAGE, KEOPU,)
NORTH KONA, HAWAI'I)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on Wednesday, December 22, 1976, considered the application of Burgess, Inc. for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the construction of additions to the existing Banyan Court Shopping Mall complex in Kailua Village, Keopu, North Kona, Hawai'i, Tax Map Key 7-5-06:11 & 12.

The Commission has found that:

The proposed construction will not have any substantial adverse environmental or ecological effect, nor will it involve an irrevocable commitment, or the loss or destruction of natural or cultural resources, including, but not limited to historic sites, view planes, or public access to the shoreline. Half of the area where the facilities are proposed to be located is presently vacant. The subject area, however, is not environmentally sensitive nor the habitat of rare, threatened or endangered species of animals or plants. The southern portion of the area in question has already been developed and altered by the construction of the existing Banyan Court shopping mall.

Further, management options for the area under consideration are minimal as the surrounding area has already been committed to resort use. The proposed development would supplement the previously established use.

As the parcel is not adjacent to the shoreline, the proposed development will not substantially encroach upon the shoreline area or inhibit the public's access to it. Any potential impacts during the construction period will be minimized by existing controls and regulations.

It is therefore determined that the proposed development will not significantly conflict with the purposes, policies and guidelines of Act 176, SLH 1975, and the Planning Commission's Rule 9, relating to Environmental Shoreline Protection.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the following additions to the existing one-story Banyan Court Shopping Mall complex pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection:

1. Lateral expansion on the adjacent parcel (TMK: 7-5-06:12) which would include shops and restaurant/bar facility.
2. Second story addition to include shops and restaurant/bar facility.
3. Third story addition for office spaces.
4. Other related improvements such as landscaping.

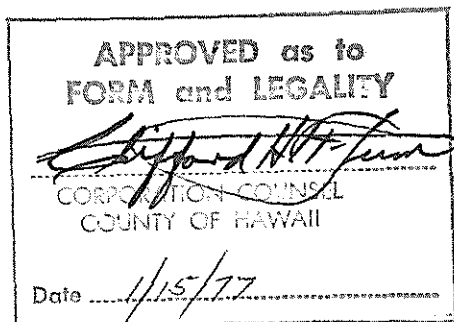
Approval is subject to the following conditions:

1. That construction shall commence within one year of the Special Management Area (SMA) Use Permit and be completed within two (2) years thereafter.
2. That the petitioner shall consolidate parcels 11 and 12 of Tax Map Key 7-5-06 prior to commencing construction of the proposed addition.
3. That the petitioner shall comply with the rules and regulations of the Department of Water Supply.
4. That the petitioner shall comply with the rules and regulations of the State Department of Health.
5. That the petitioner shall submit its development plans to the Kailua Village Special District and Urban Design Review Commission for review.
6. That all other applicable rules and regulations including the plan approval process shall be complied with.

Should these conditions not be met, the Special Management Area Use Permit shall be deemed null and void.

The effective date of this permit shall be December 22, 1977.

Dated at Hilo, Hawaii, this 20th day of January, 1977.



Lawrence R. Hutchins
Chairman, Planning Commission